

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA

v.

JOSE MARRERO,

Defendant.

Cr. No. 1:23CR112JJM-PAS

Violations:

18 U.S.C. § 924(c)(1)(B)(ii)

18 U.S.C. § 924(c)(1)(A)

18 U.S.C. §§ 922(g)(1)

21 U.S.C. §§ 841(a)(1) & (b)(1)(B)(vi)

21 U.S.C. §§ 841(a)(1) & (b)(1)(C)

INDICTMENT

The Grand Jury charges that:

COUNT ONE

**Possession of a Machinegun
In Furtherance of Drug Trafficking
(18 U.S.C. § 924(c)(1)(B)(ii))**

On or about the 30th day of November 2023, in the District of Rhode Island, the defendant, JOSE MARRERO, did knowingly possess a machinegun in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with intent to distribute controlled substances,

All in violation of Title 18, United States Code, Section 924(c)(1)(B)(ii).

COUNT TWO
Possession of a Firearm
In Furtherance of Drug Trafficking
(18 U.S.C. § 924(c)(1)(A))

On or about the 30th day of November 2023, in the District of Rhode Island, the defendant, JOSE MARRERO, did knowingly possess a firearm, to wit: a Colt MK IV Series 80 .380 caliber semi-automatic pistol with serial number MU03773, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with intent to distribute controlled substances,

All in violation of Title 18, United States Code, Section 924(c)(1)(A).

COUNT THREE
Possession of a Firearm by a Prohibited Person
18 U.S.C. § 922(g)(1)

On or about February 16, 2023, in the District of Rhode Island, the Defendant, JOSE MARRERO, knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm, that is: a SCCY CPX-2, 9mm pistol, serial number 862320, said firearm having been shipped and transported in interstate commerce,

In violation of 18 U.S.C. § 922(g)(1).

COUNT FOUR
Possession of a Firearm by a Prohibited Person
18 U.S.C. § 922(g)(1)

On or about November 30, 2023, in the District of Rhode Island, the Defendant, JOSE MARRERO, knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm, that is: a

Glock Model 23, .40 caliber, serial number BPKD287, said firearm having been shipped and transported in interstate commerce,

In violation of 18 U.S.C. § 922(g)(1).

COUNT FIVE
Possession with Intent to Distribute
40 Grams or More of Fentanyl
(21 U.S.C. §§ 841(a)(1) & (b)(1)(B)(vi))

On or about November 30, 2023, in the District of Rhode Island, the Defendant, JOSE MARRERO, did knowingly and intentionally possess with intent to distribute 40 grams or more of a mixture or substance containing a detectable amount of fentanyl, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) & (b)(1)(B)(vi).

COUNT SIX
Possession with Intent to Distribute
Cocaine
(21 U.S.C. §§ 841(a)(1) & (b)(1)(C))

On or about November 30, 2023, in the District of Rhode Island, the Defendant, JOSE MARRERO, did knowingly and intentionally possess with intent to distribute a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) & (b)(1)(C).

FORFEITURE ALLEGATION

1. Upon conviction of the controlled substance offenses alleged in Counts Five and Six, the Defendant, JOSE MARRERO, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, all right, title, and interest in any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the violation of 21 U.S.C. § 841 and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said violation.

2. Upon conviction(s) of the offense alleged in Counts Three and/or Four of this Indictment, the Defendant, JOSE MARRERO, shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d) & 28 U.S.C. § 2461(c), the following items (all of which were seized on November 30, 2023 from the Defendant's residence):

- a. A SCCY CPX-2, 9mm pistol, serial number 862320
- b. a Glock Model 23, .40 caliber, serial number BPKD287
- c. 10 rounds of 9mm ammunition
- d. 7 rounds of .40 caliber ammunition
- e. 30 rounds of .22 caliber ammunition
- f. 21 rounds of .40 caliber ammunition
- g. 18 rounds of .40 caliber ammunition

3. Upon conviction(s) of the offense alleged in Counts One and Two of this Indictment, the Defendant, JOSE MARRERO, shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d) & 28 U.S.C. § 2461(c), the following items (all of which were seized on November 30, 2023 from the Defendant's vehicle):


- a. Machinegun conversion device affixed to a private firearm
- b. A 50-round drum-style magazine, containing 46 rounds of 9-mm ammunition
- c. Colt MK IV Series 80 .380 caliber semi-automatic pistol with SN MU03773

- d. A magazine containing 5 rounds of .380 ammunition
- e. Two unloaded 30-round 9mm magazines

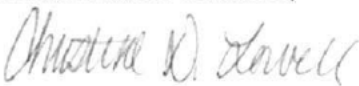
4. If the above described forfeitable property, as a result of any act or omission of the defendants, cannot be located upon the exercise of due diligence, has been transferred, sold to, or deposited with a third party, has been placed beyond the jurisdiction of the court, has been substantially diminished in value, or has been commingled with other property which cannot be divided without difficulty, it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendants up to the value of the forfeitable property described above.

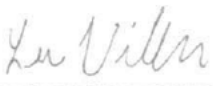
All in accordance with 21 U.S.C. § 853, and Rule 32.2(a), Federal Rules of Criminal Procedure.

A TRUE BILL:


Grand Jury Foreperson

ZACHARY A. CUNHA
United States Attorney


CHRISTINE LOWELL
Assistant U.S. Attorney


LEE VILKER
Assistant U.S. Attorney
Criminal Division Chief

Date: 12/6/2023